

**REMARKS/ARGUMENTS**

Favorable consideration of this application is respectfully requested. Applicant has amended claims 1, 2, 4, 5 and 7 and added new claims 8-20 in order to clarify the subject inventions differences from Cox ('319), and amended claims 1, 2, 4, and 5 to correct problems of indefiniteness. Claim 4 has also been amended for a typographical error. Favorable reconsideration of this application, consequently, is earnestly solicited in view of the following remarks.

Applicant brings the examiner's attention to the fact that the published application US 2001/0017913 A1 for the subject invention shows a different Fig. 5 than the correct Fig. 5 that was filed with the subject application. It appears that the Patent Office is using a Fig. 5 from Applicant's copending Application Serial No. 09/805,064. Applicant attaches with this office action response the correct Fig. 5 which was filed with the subject application. Correction of the Patent Office file is hereby requested.

Claims 1-7 were rejected under 112 as being indefinite. Examiner states the term "echo" and/or phrase "echo cancellation sounds" is unclear, rendering the claims indefinite. Applicant acknowledges that there is no definition in the specification as to "echo cancellation sounds". Rather, they are discussed in terms of "echo cancellation signals". Accordingly, applicant has made a good faith effort to amend claims 1, 2, 4 and 5, to use the word "signals" instead of the word "sounds". The specification speaks of three "echo signals"- an "echo-carrying signal", an "echo-reference signal" and an "echo-cancelled signal"- which are collectively referred to as "echo cancellation", page 6, lines 5-16. Applicant would like to remind Examiner that applicant is allowed to be his own lexicographer. As applicant has amended the language of the claims to reflect similar terms to those used in the specification, removal of the 112 rejection is respectfully requested. If the Examiner finds the amendments insufficient, applicant would be open to the examiner's suggestion of specific language that overcomes the sec. 112, second paragraph rejection.

Claims 1-7 were also rejected under 102(e) as being anticipated by Cox 6,233,319. In order to clarify the subject invention's differences from Cox, applicant has amended claim 1 and added new claims 8-16. Cox's invention requires a "silence" type condition to begin message delivery. Column 1, lines 55-58 show that Cox's invention "monitor(s) the environment of a recipient of the pre-recorded message for an initial predetermined *silence/energy condition* and begins message delivery when that condition is met". Additionally, column 1, lines 60-65, shows that "message delivery cease(s) upon sensing...noise or speech energy" and that transmission of the message begins again "upon subsequent detection of the desired *silence/energy condition*". Conversely, the subject invention can initiate message delivery base on constantly analyzing whether a "solid...tone" or a "silence" is being detected from the answering machine. The subject invention and now new claims 8-20 clarify that the subject invention uses DIFFERENT TIME PERIODS during this novel detection, and continues to monitor for "echo cancellation" after either detecting "solid tones" or "silence."

Cox's invention does not have the feature of selecting from a variety of conditions upon which to begin message delivery. He has but one option: silence. Fig. 3 of Cox at step 170 clearly requires "silence detected..." as a REQUIREMENT IN ORDER TO "PERFORM ECHO CANCELLATION" at step 174. If Cox DOES NOT DETECT SILENCE, HE SKIPS "ECHO CANCELLATION." Thus, the variety of starting conditions that the subject invention presents is an improvement over and distinct from the *one silence* condition required by Cox. Amended claim 1 and the new claims 8-20 now more clearly articulate the variety of starting conditions


available in the subject invention and applicant respectfully requests removal of the '102(e) rejections.

In view of the foregoing considerations, it is respectfully urged that claims 1-20 be allowed. This action is respectfully requested. If the Examiner believes that an interview would be helpful, the Examiner is requested to contact the attorney at the below listed number.

Date

8/11/03

Respectfully Submitted,

  
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